

IN THE SUPREME COURT OF THE STATE OF NEVADA

COURTNEY APRIL SCHUTTE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49309

FILED

JUL 20 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

This is an appeal from a district court order revoking appellant Courtney April Schutte's probation. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge.

On June 7, 2006, Schutte was convicted, pursuant to a guilty plea, of one count of home invasion. The district court sentenced Schutte to a prison term of 12-60 months, suspended execution of the sentence, and placed her on probation for an indeterminate period not to exceed 3 years. Schutte did not pursue a direct appeal from the judgment of conviction. On April 3, 2007, after conducting a hearing, the district court entered a second amended judgment of conviction and order revoking Schutte's probation, imposing the original sentence with credit for time served and ordering her to pay \$1,048.13 in extradition costs. This timely appeal followed.

Schutte contends that the district court abused its discretion in revoking her probation. Schutte claims that revoking her probation "does not serve to further her rehabilitation or ensure public safety." We disagree with Schutte's contention.

The decision to revoke probation is within the broad discretion of the district court and will not be disturbed absent a clear showing of abuse.¹ Evidence supporting a decision to revoke probation must merely be sufficient to reasonably satisfy the district court that the conduct of the probationer was not as good as required by the conditions of probation.²

Schutte is unable to demonstrate that the district court abused its discretion in revoking her probation. The first time the Division of Parole and Probation sought revocation of Schutte's probation, Schutte admitted to testing positive for controlled substances. Nevertheless, the district court reinstated her term of probation. Eventually, the Division again sought revocation of Schutte's probation, informing the district court that Schutte failed to report to P & P after reinstatement of her probation. The district court revoked Schutte's probation, imposed the original sentence, and ordered her to pay for the extradition costs. On appeal, Schutte concedes that she engaged in unauthorized travel out of state in violation of the terms of her probation. Therefore, based on the above, we conclude that Schutte's conduct was not as good as required by the conditions of her probation, and that the district court did not abuse its discretion in revoking her probation.³

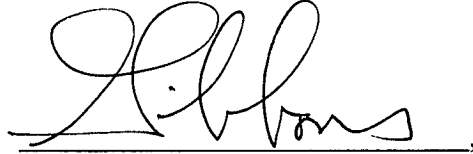
¹Lewis v. State, 90 Nev. 436, 529 P.2d 796 (1974).

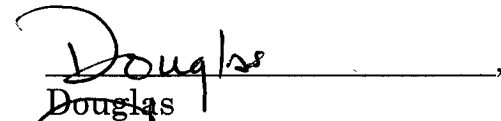
²Id.

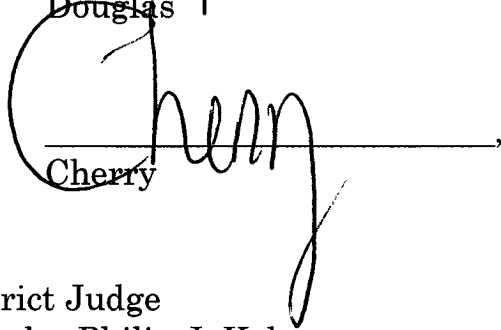
³See generally McNallen v. State, 91 Nev. 592, 540 P.2d 121 (1975) (revocation of probation affirmed where violation by probationer not refuted).

Having considered Schutte's contention and concluded that it is without merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Stewart L. Bell, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk